

Office Action Summary

Application No.

09/964,898

Applicant(s)

WATANABE ET AL.

Examiner

Jerome Grant II

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50-58 is/are allowed.
- 6) ☒ Claim(s) 33,41-43,47-49,59 and 60 is/are rejected.
- 7) ☒ Claim(s) 34-40 and 44-46 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application):
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

Art Unit: 2624

Detailed Rejection

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2624

Claims 33, 41-43, 47-49, 59 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy.

With respect to claim 33, Kennedy teaches an image pickup apparatus 10, shown by figure 3, comprising a protective cover (14) having the ability to open and close (see figures 2 and 3) and a remote interface (as a detection device) which detects whether the card reader is in a connection state with the external device (i.e., remote transmitter or receiver or a computer) so that the reader can pick up image information from a card. See also col. 2, lines 60-63 and col. 3, last paragraph. See col. 4, lines 10-15 where the apparatus 10 communicates with an external computer.

With respect to claims 41 and 42, Kennedy teaches raising an interface on the cover of apparatus 10 for indicating when the apparatus is operating in an exterior electrical connection (namely in a remote capacity, for example, transmitter or receiver).

With respect to claim 43, Kennedy teaches that an interfaced is mechanically raised above other items on the table with apparatus 10 to facilitate its operation.

With respect to claim 47, Kennedy teaches an optical reader for reading images, see col. 4, lines 17-20.

Art Unit: 2624

With respect to claim 48, Kennedy teaches recording the optically read images on the liquid display panel. See col. 3, lines 54-61.

With respect to claim 49, see col. 4, line 9 and lines 13-15, where the external device is a computer.

With respect to claims 59 and 60, Kennedy teaches a method for controlling a image pickup apparatus (10) having a protection cover (14) operable in an open and close state (see figures 2 and 3) for protecting an optical card reader, comprising the steps of: an interface for detecting whether the apparatus 10 is connected to and external device (computer, transmitter or receiving device). See also col. 2, lines 60-63 and col. 3, last paragraph. See col. 4, lines 10-15 where the apparatus 10 communicates with an external computer. Kennedy teaches causing a cover 14 to be opened when the wireless interface is not being used in a manner that would detect the state of the external connection.

2.

Claims Objected

Claims 34-40, 44-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2624

3. **Claims Allowed**

Claims 50-58 are allowed for the reason the prior art does not teach or suggest in claimed combination, "... said detection device deciding the operation of said protection cover operation device according to result of the detection."

Art Unit: 2624

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II

JEROME GRANT II
PRIMARY EXAMINER